

MEDIA RELEASE

The rights and dignity of Australia's elderly are being abused.

Date: November 5, 2015

As the focus increasingly turns to Australia's ageing population, preserving not only the human rights but also the dignity of our elderly has become a real issue.

In 2013 people 65 years and older represented about 14% of the nation's population. By 2053, this demographic will be about 21% of the population (ABS, 2013). As the nation's population of older people grows larger so will the needs for adequate and appropriate services to ensure their rights are upheld.

From a survey of 4,000 older Australians 50% of these people did not seek appropriate legal action when a legal crisis arose in their older life (Law Access, 2013). Older people are more likely to be disadvantaged due to limited income when seeking appropriate help (Law and Justice Foundation, 2012).

In NSW there are 1.1 million people over the age of 65 (ABS). Of these almost 90,000 receive aged-care services – either residential, home or transitional care. There are 900 aged-care facilities in NSW.

The Elder Abuse National Annual Report (2014) indicates 4.6% of older people across Australia may experience elder abuse. The report states: "The figures show a demonstrated need to raise the profile of elder abuse, to reach more vulnerable older people". **In the NSW context of 1.1 million older people a 4.6% prevalence of abuse equates to 50,600 people will experience abuse in their older years. This is unacceptable!**

Seniors Rights Service provided 5,571 legal services to older people in 2014/15. Also, the organisation provided individual advocacy services to 2,247 people in NSW receiving aged-care services. In addition more than 22,000 people around NSW were reached through face-to-face education sessions regarding elder rights.

Hon John Ajaka, NSW Minister for Ageing, will be the keynote speaker at a Seniors Rights Service symposium on November 24. Mr Ajaka said: "Elder abuse – in all its forms – is unacceptable. We must raise awareness of this issue within today's society. We must ensure that our elderly are protected and ensure policies and services are responsive to elder abuse so we can protect the vulnerable."

Rodney Lewis, Elder Law Specialist, who is speaking at the symposium said: "The basic rights of older Australians are at stake in the fight against elder abuse. Organisations like the Seniors Rights Service are at the forefront to protect them and their dignity, their rights and property."

Craig Gear, President, Seniors Rights Service said: "Our concern is that we are only seeing the tip of an iceberg. Older people need to know we can help and we have been in the business of defending the rights of older people for 30 years. The Aged-care Rights Service is re-launching itself as Seniors Rights Service to ensure that all older people know that we can preserve their rights and dignity as they grow older."

Nan Bosler, a former Lecturer in the Faculty of Adult Education at the University of Technology, Sydney and now President of the Australian Seniors' Computer Clubs Association said: "Breaking the digital divide between generations is essential. Seniors need to be able to access current online information and services to ensure they are aware of their rights and know when and how to act."

Older people from diverse cultural backgrounds, Aboriginal heritage and the LGBTI community are regarded as particularly vulnerable as they grow older given many services may not be culturally sensitive. Russell Westacott, CEO of Seniors Rights Service, said: "We're here for all older people – regardless of cultural background – to ensure *everyone's* human rights are protected as they age. That's our business."

Seniors Rights Service launch and symposium: 11 AM, Tuesday November 24, 2015

Level 8, 418A Elizabeth Street, Surry Hills (corner Devonshire Street)

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ADDENDUM

SENIORS RIGHTS SERVICE LEGAL CASE STUDY

An elderly mother owned a half share interest in a home with her daughter as tenants in common. The daughter is an alcoholic and became physically aggressive towards her mother. The mother took out an Apprehended Violence Order excluding the daughter from the home.

The daughter sought to evict the mother from the home and sell the property if she did not pay half market rent. The mother was on the age pension and facing the loss of her home. Theoretically the mother may have been able to buy a unit from half proceeds of sale, well away from her friends and other support and with a great deal of stress so she wanted to stay in her home.

With pro bono assistance, Seniors Rights Service helped the mother to defend the claim for market rent by arguing that the daughter had excluded herself from the property by her actions (physical violence) and therefore was not entitled to take advantage of her position and force her mother out.

SENIORS RIGHTS SERVICE ADVOCACY CASE STUDY

A social worker contacted Seniors Rights Service advocates as she needed advice about an elderly man being refused back to his aged care home. The management of the home felt they could not provide the appropriate care for the man as he had a diagnosis of dementia.

The advocate assisted the social worker by explaining the guidelines on Security of Tenure under the User Rights Principles of the Aged Care Act, which are very clear and support the resident returning home in this instance, as he was already in a home which provided high care in a dementia-specific ward.

Residents' rights were explained to the social worker who supported the hospital team in discharging the man as he no longer needed acute care. The advocate encouraged the social worker to make a formal complaint to the government Aged Care Complaints Scheme if the matter was not resolved immediately.

There are many medical experts, and organisations such as *Alzheimer's Australia* and *Dementia Behaviour Management Advisory Services* which provide education for staff on managing behaviours which may be associated with dementia, and support for residents with dementia. Until all avenues have been explored, in this case the man has a right to return to his home of the last five years, the aged care home.